

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PETER QUINN ELVIK,  
 Petitioner,

vs.

DON BUNCE, *et al.*,  
 Respondents.

3:04-cv-00471-GMN-RAM

**ORDER**

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel.

On January 4, 2011, this Court issued an order finding that Grounds 3 and 4 of the second amended petition are unexhausted. (ECF No. 84). On January 26, 2011, petitioner filed a motion to dismiss unexhausted Grounds 3 and 4. (ECF No. 86). On February 4, 2011, petitioner filed a declaration formally abandoning unexhausted Grounds 3 and 4. (ECF No. 88).

Respondents' answer to the remaining grounds of the second amended petition is due 30 days from the date petitioner served his declaration of abandonment. (ECF No. 84, at p. 12). Respondents have filed a motion for an extension of time in which to file an answer to the remaining grounds of the second amended petition. (ECF No. 89). Respondents seek a 45-day enlargement of time, up to and including April 21, 2011, to file an answer. Having reviewed the motion and good cause appearing, respondents' motion is granted.

**IT IS THEREFORE ORDERED** that petitioner's motion to dismiss and forever abandon unexhausted Grounds 3 and 4 of the second amended petition (ECF No. 86) is **GRANTED**.

**IT IS FURTHER ORDERED** that respondents' motion for an extension of time (ECF No. 89) to file an answer to the remaining grounds of the second amended petition is **GRANTED**. The answer shall be filed on or before **April 21, 2011**.

1       **IT IS FURTHER ORDERED** that petitioner's reply shall be filed **thirty (30) days** after  
2 being served with respondents' answer.

3       DATED this 8th day of March, 2011.

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7 Gloria M. Navarro  
8 United States District Judge  
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